

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

REBECCA MARIE STONE,

Defendant-Appellant.

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UNPUBLISHED

April 2, 1999

No. 202782

Wayne County Probate Court

LC No. 93-311894

Before: McDonald, P.J., and Hood and Doctoroff, JJ.

MEMORANDUM.

Defendant appeals of right from the probate court order escalating her to a more restrictive security classification. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant (DOB 7-9-81) was placed on home probation for retail fraud. Subsequently, defendant's probation was revoked and she was placed in a treatment center. She was released from that facility, and spent a period of time at her parents' home. After her adjustment proved to be poor, she was escalated to a low security classification and placed in another treatment center. Defendant left that center without permission. She did not attend school, and was not supervised at home.

The Family Independence Agency (FIA) requested detention and an escalation to a medium security classification. At the hearing, an FIA representative indicated that defendant would not adhere to rules, and that she needed to be placed in a facility from which she could not leave. Defendant's mother indicated that although defendant did not attend school after she left the facility, she did well at home until her brother became terminally ill. Defendant's mother stated that defendant should be continued at a low security classification.

The referee held that escalation to medium security was warranted. The referee relied on evidence that defendant left the low security facility without permission, was truant from school for an extended period, and took advantage of the lack of supervision at home to engage in irresponsible behavior.

We affirm the probate court's order. Defendant's argument that the probate court should have held a hearing pursuant to MCR 5.944(A), probation violation, or MCR 5.944(B), juveniles on conditional release, is without merit. The petition filed by the FIA requested defendant's reclassification from low security to medium security. A hearing on such a petition is properly held under MCR 5.944(D)(4). In this case, defendant was given notice of the hearing, and was represented by counsel as required by the rule. The court placed its findings on the record, a procedure endorsed by this Court. See, e.g., *In re Scruggs*, 134 Mich App 617; 350 NW2d 916 (1984). The court's finding that defendant required medium security was supported by the evidence and was not clearly erroneous.

Affirmed.

/s/ Gary R. McDonald

/s/ Harold Hood

/s/ Martin M. Doctoroff